

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**Antoine Group, LLC, et al.**  
**Plaintiff**

**v.**

**Opulent Digital Specialists, LLC, et al.**  
**Defendant**

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**Case No. 4:23-cv-02524**

**PLAINTIFFS' MOTION TO COMPEL RESPONSES TO REQUEST FOR  
PRODUCTION IN AID OF JUDGMENT AND PRODUCTION OF DOCUMENTS TO  
COMPEL**

COME NOW, Plaintiffs', **ANTOINE GROUP, LLC and Behzad Nazari, DDS** with this their Motion to Compel Responses to Request for Production in Aid of Judgment and Production of Documents to Compel and in support would show as follows:

**I. BACKGROUND & UNDERLYING FACTS.**

1. The Court entered judgment on February 15<sup>th</sup>, 2024, against Defendant for damages, fees, costs, and post-judgment interest in the amount of \$130,643.40. On May 10<sup>th</sup>, 2024, Plaintiffs' served Defendant with Plaintiffs' Requests for Production attached hereto as **Exhibit A**. Defendant was therefore due to produce documents on June 9, 2024.

2. In response to Plaintiffs' Request for Production, the Defendants counsel asked for an extension and the response deadline was extended to June 17, 2024. Defendant has wholly failed to respond to Plaintiffs' Request for Production.

3. Prior to the end of July, the undersigned called Defendant's counsel and left a message. On June 30, 2024, Plaintiffs' counsel sent an email to Defendant's counsel requesting the discovery. Reese Campbell responded, "[M]y client informed me last week that they have documents to provide me. I will follow up with them." Plaintiffs' counsel has called twice since

receiving this email and has not heard back regarding the discovery. Defendant has neither responded to the Discovery requests, nor provided documents. (See attached **Exhibit B**).

4. Plaintiffs' ask that Defendant be ordered to deliver the documents requested in the Plaintiffs' Request for Production within 20 days of an order on this Motion and to appear for a deposition in aid of judgment at a time and date certain within 45 days of an order on this motion. In addition, Plaintiffs' ask that they be awarded fees for the cost of bringing this motion.

## **II. ARGUMENT & AUTHORITY.**

5. Plaintiffs' is entitled to conduct discovery to enforce its judgment pursuant to Federal Rule of Civil Procedure 69(a)(2) and Texas Rule of Civil Procedure 621a, including a deposition in aid of judgment and requests for production. Moreover, Defendant has waived any objections to the written discovery by failing to timely respond or lodge objections.

6. Plaintiffs' requests that Defendant be compelled to respond to the discovery as requested in paragraph 3 above.

### **Request for Attorney's Fees**

7. As a result of Defendant's failure to respond to the written discovery, Plaintiffs' have been required to bring this Motion. Under Federal Rules of Civil Procedure Rules 37 and 38, Plaintiffs' is entitled to reasonable expenses and attorneys' fees incurred in bringing this Motion, "caused by the failure" to comply with the discovery requests.

8. As detailed in the undersigned's declaration at **Exhibit C**, a reasonable fee for the services rendered in this regard is at least \$3200.00<sup>1</sup> if a hearing is necessary.

## **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs' prays that this motion be well taken, and that it have the following:

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<sup>1</sup> See Browder Affd. at Exh. C (supporting reasonableness of award).

1. An order compelling Defendant to deliver the documents requested in the Subpoena Duces Tecum within 20 days of an order on this Motion and to appear for a deposition in aid of judgment at a time and date certain within 45 days of the order on this motion; and,
2. An order awarding attorneys' fees to Plaintiffs' in the amount of \$3,200.00, payable by Defendant, to Plaintiffs' counsel within 30 days of the order on this motion.

Respectfully submitted,

/s/ Paul K. Browder

Paul Browder

State Bar No. 03087950

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ATTORNEY FOR PLAINTIFFS'

### **CERTIFICATE OF SERVICE**

On this the 1st day of August, 2024 the undersigned delivered a true and correct copy of the foregoing to the following counsel of record via email.

#### **VIA E-SERVICE**

Mr. J. Reese Campbell

EaDo Law, PLLC

3401 Harrisburg Blvd, Suite H2

Houston, TX 77003

[reese@eadolaw.com](mailto:reese@eadolaw.com)

/s/Paul K. Browder

Paul K. Browder

**CERTIFICATE OF CONFERENCE**

Counsel for Movant attempted to confer with Counsel for Respondent regarding the matters presented in this motion and to resolve such matters as detailed in paragraph 3 of this Motion and the parties have not resolved the conflict.

/s/ Paul K. Browder

Paul K. Browder